

Patent  
Attorney Docket No: ART-00101.P.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Guoqing Wang )  
Lei Wu ) Examiner: Lu, Frank Wei Min  
Xiaobo Wang )  
Jing Cheng ) Group Art Unit: 1634  
WeiPing Yang )  
Application Number: 09/648,081 )  
Filed: August 25, 2000 )  
For: METHODS AND COMPOSITIONS ) RECEIVED  
FOR IDENTIFYING NUCLEIC ) CENTRAL FAX CENTER  
ACID MOLECULES USING )  
NUCLEOLYTIC ACTIVITIES )  
AND HYBRIDIZATION )  
\_\_\_\_\_  
)

AUG 30 2004

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir,

**PETITION TO WITHDRAW PATENT APPLICATION FROM ISSUE AFTER  
PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**

Applicants respectfully request that U.S. Patent Application number 09/648,081 be withdrawn from issue. The issue fee for the referenced application has been paid. Applicants therefore petition for the withdrawal of U.S. Patent Application number 09/648,081 under 37 CFR 1.313(c) and enclose the fee under 37 CFR 1.17(h) so that certain publications can be properly considered by the Examiner.

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The reason for this petition is that Applicants very recently became aware of references cited by Examiner Lu in an office action for an application of the family, U.S. Patent Application number 10/355,411. The office action citing the new references was mailed August 11, 2004. The references, U.S. Patent number 6,258,146 and U.S Patent Application Publication number 2003/0096232A1, are listed in the submission provided herewith in the form of an Information Disclosure Statement and Form 1449 (see 37 CFR §1.56). Applicants also submit herewith a Request for Continued Examination (RCE) to enable the Examiner to properly consider these references.

Applicants regret that they became aware of the new reference after the payment of the issue fee and the adherence of the Applicants to the duty to disclose under 37 CFR 1.97 and 37 CFR 1.98, Applicants petition for withdrawal of Application number 09/648,081 from issue to allow the Examiner to properly consider the references cited in the attached Information Disclosure Statement and Form 1449.

Respectfully submitted,



David R. Preston  
Reg. No. 38,710

Date: August 30, 2004

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 515.00)

## Complete If Known

Application Number	09/648,081
Filing Date	August 25, 2000
First Named Inventor	Wang
Examiner Name	Frank Lu
Art Unit	1634
Attorney Docket No.	ART-00101.P.1

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number	501321
Deposit Account Name	David R Preston

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051	65 Surcharge - late filing fee or oath	
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130 Non-English specification	
1812	2,520	1812	2,520 For filing a request for ex parte reexamination	
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action	
1251	110	2251	55 Extension for reply within first month	
1252	420	2252	210 Extension for reply within second month	
1253	950	2253	475 Extension for reply within third month	
1254	1,480	2254	740 Extension for reply within fourth month	
1255	2,010	2255	1,005 Extension for reply within fifth month	
1401	330	2401	165 Notice of Appeal	
1402	330	2402	165 Filing a brief in support of an appeal	
1403	290	2403	145 Request for oral hearing	
1451	1,510	1451	1,510 Petition to Institute a public use proceeding	
1452	110	2452	55 Petition to revive - unavoidable	
1453	1,330	2453	665 Petition to revive - unintentional	
1501	1,330	2501	665 Utility issue fee (or reissue)	
1502	480	2502	240 Design issue fee	
1503	640	2503	320 Plant issue fee	
1460	130	1460	130 Petitions to the Commissioner	130.00
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180 Submission of Information Disclosure Stmt	
8021	40	8021	40 Recording each patent assignment per property (times number of properties)	
1809	770	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385 For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385 Request for Continued Examination (RCE)	385.00
1802	900	1802	900 Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 515.00)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	David R. Preston	Registration No. (Attorney/Agent)	38,710	Telephone	858-724-0875
Signature				Date	8/30/04

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FROM : DRPNA

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AUG. 30 2004 12:12PM PB